Docket No.: F2108.0041

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shigeru Nakamura

Application No.: 10/568,984

Confirmation No.: 8872

Filed: August 2, 2006

Art Unit: 2874

For: ALL-OPTICAL SWITCH

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

This IDS is being filed before the First Office Action ¹ .
This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action ² .

The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

² The IDS must include either a certification under 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p).

Applic	ration No.: 10/568,984	Docket No.: F2108.0041
	This IDS is being filed after the issuance of a Final Office Action, lor Notice of Allowance but before the payment of the Issue Fee ³ .	Ex Parte Quayle Action
Certif	ications:	
If chec	eked, the undersigned makes the following statement(s):	
\boxtimes	Statement under 37 CFR § 1.97(e):	
	Each item of information contained in this information disclosure s any communication from a foreign patent office in a counterpart for more than three months prior to the filing of this information disclo	reign application not
	No item of information contained in this information disclosure star communication from a foreign patent office in a counterpart foreign knowledge of the undersigned after making reasonable inquiry, no contained in this information disclosure statement was known to an in § 1.56(c) more than three months prior to the filing of the inform statement.	n application, and, to the item of information by individual designated
	Statement Under 37 C.F.R. § 1.704(d):	
	Each item of information contained in this information disclosure s communication from a foreign patent office in a counterpart application to the filing of this information disclosure statement.	
Fee Re	equired by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):	
	If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is atta	ched.

³ The IDS must include both a certification under 37 C.F.R. \$1.97(e) and the fee set forth in 37 C.F.R. \$1.17(p).

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Copies of Information:

✓ A legible cony⁴ of each document (or relevant portion thereof) cited in the attached

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

A legible copy⁴ of each document (or relevant portion thereof) cited in the attached PTO/SB/08, except for U.S. patent and U.S. published applications.

With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of:

A translation of the relevant portions of the non-English language information⁵;

A statement explaining the relevant portions of the non-English language information;

A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁶ of the communication from European Search Report in which the information was cited; or

This information is contained in the specification of the present application.

³ 37 C.F.R. §1.98(a)(3)(ii) requires that an English language translation be provided when a translation of the document, or portion thereof, "is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c)."

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.
⁵ 37 C.F.R. §1.98(a)(3)(ii) requires that an English language translation be provided when a translation of the document,

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).

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In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. , filed , which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: November 12, 2007

Respectfully submitted,

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